

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-6, 9, 10 and 14 have been editorially amended to improve clarity. Claims 1-6, 9, 10 and 14 are pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Applicants submit that the Examiner is required to consider the non-patent literature submitted in the IDS filed on November 21, 2002. Applicants have previously provided an English-translation of relevant portions of the corresponding Japanese Office Action dated September 24, 2002, in compliance with 37 C.F.R. § 1.98(a)(3) (see MPEP § 609 III.A.A(3)). The English-translation of relevant portions of the corresponding Japanese Office Action dated September 24, 2002 was enclosed with the IDS filed on November 21, 2002, thus meeting all of the requirements for consideration by the PTO. Therefore, Applicants request the Examiner to fully consider the IDS filed on November 21, 2002 which satisfies all of the enumerated provisions in accordance with § 609 of the MPEP in view of Applicants' submission of the English-translation. **Applicants' submission on November 21, 2002 of the IDS and English-translation of pertinent portions of the Japanese Office Action comply with the content requirements for information listed in the IDS, and consideration by the Office of the non-patent literature is again respectfully requested.**

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 9, 10 and 14 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The rejection is respectfully traversed.

Applicants again respectfully submit that the claimed subject matter is described in the specification and also clearly shown in the figures. Applicants have kindly referred the Examiner to relevant portions of Applicants' specification, in which exemplary embodiments of the claimed invention are disclosed.

In particular, a "periodical audit" is clearly described in the specification on at least page 4, lines 10-11 of the specification, in which support is found for a periodic audit of the operating status of an ISO by an audit organization.

Also, support is found in the specification for exemplary embodiments of the claimed invention, in which a determination of whether management of an object is performed "in accordance with an International Organization for Standardization (ISO) compliant management system" (see page 1, lines 8-18 of the specification).

Support is found in the specification for exemplary embodiments of the claimed "electronic test object system," as described on at least page 2, lines 18 and 21-22.

Support is found in the specification for exemplary embodiments of the claimed "database storing management records of the object," as described on at least page 4, line 18 of the specification.

Support is found in the specification for exemplary embodiments of the claimed “network between said electronic audit system and said electronic test object system,” as described on at least page 4, line 13 and page 13, line 6 of the specification, in which “the Internet” is described as being an exemplary embodiment of the network as recited by claim 1.

Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, are respectfully requested.

The Examiner has alleged in the first paragraph on page 4 of the Office Action that there is no element 7 from Fig. 1. However, Applicants direct the Examiner to the Audit ID and Password Transmission Device (7) as clearly depicted in FIG. 1.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-6, 9, 10 and 14 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The rejection is respectfully traversed.

Applicants have amended claims 1-6, 9, 10 and 14 to improve clarity. Furthermore, Applicants respectfully submit that the “management records” as recited by claim 1 is sufficiently clear. “Management records” may be but is not limited to “records which require managing” which may be managed in electronic or paper management form, as described in the specification on page 4, lines 18-22.

Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Rejection Under 35 U.S.C. § 103(a) - Mital

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mital (U.S. Patent Number 5,903,652). The rejection is respectfully traversed.

Regarding claim 1, Applicants' claimed invention relates to an auditing system for an auditor to implement a periodical audit of an object to determine whether management of the object is performed in accordance with an ISO compliant management system. The auditing system includes an electronic test object system, an electronic audit system and a communication device. The electronic test object system includes a database storing management records of the object to be audited by the auditor through the communication device. The electronic audit system includes a computerized ISO compliant management system capable of being coupled to the electronic test object system through the communication device. The communication device provides a communication line connection through a network between the electronic audit system and the electronic test object system. The electronic audit system and the electronic test object system connect via the communication device, and the electronic audit system audits the electronic test object system based on necessary information including management records sent from the electronic test object system.

Applicants respectfully submit that the disclosure of Mital does not teach or suggest the claimed invention. Mital discloses a system for monitoring secure commercial transactions in a computer network. Mital's system is configured to audit, store and route secure transactions while maintaining confidentiality of the transaction.

However, Mital only generally discloses a prior art audit system, and as such, fails to teach or suggest the claimed invention.

The Examiner contends that Mital discloses a computer network, in which a decryption module (400) allegedly discloses an electronic audit system, audit information allegedly discloses database management records included within the decryption module (400), and electronic commerce database (404) allegedly discloses an ISO system.

However, as shown in Mital's Fig. 4, the decryption module (400) as disclosed by Mital audits secure purchase order messages (102) by receiving the messages (102) from electronic mail service (214) and communicating with secured technology module (304) to decrypt audit information (406) contained in the messages (102). The decryption module (400) stores the decrypted audit information (406) in electronic commerce database (404) (see column 13, lines 35-56).

Therefore, the system of Mital is vastly different than the claimed invention, as recited by claim 1.

There is no teaching or suggestion in Mital that the system is used such that an auditor may "implement a periodical audit of an object to determine whether management of the object is performed in accordance with an International Organization for Standardization (ISO) compliant management system," as recited by claim 1. Although Mital mentions on column 13, lines 53-56 a structured query language standardized by the ISO, no determination is made as to whether management of an object is performed in accordance with an ISO compliant management system, as claimed.

Furthermore, there is no teaching or suggestion in Mital of an electronic test object system which includes a database storing management records of the object to be audited by the

auditor through a communications device. Although Mital discloses decrypt audit information (406), such information is contained in the secure purchase order messages (102) and later stored in the electronic commerce database (404), and as such, is not audited by an auditor through a communication device, nor is the decrypt audit information (406) included within an electronic test object system.

In addition, the electronic commerce database (400) is not taught or suggested to include a computerized ISO compliant management system capable of being coupled to the electronic test object system through the communications device.

Further, the claimed communication device is explicitly recited by claim 1 to “[provide] a communication line connection through a network between said electronic audit system and said electronic test object system; wherein said electronic audit system and said electronic test object system connect via said communication device, and said electronic audit system audits said electronic test object system based on necessary information including management records sent from said electronic test object system.”

The Examiner has admitted in paragraph 8 on page 5 of the Office Action that “Mital does not disclose the term communication device.” Although the Examiner suggests that Mital’s system does communicate data via its system, such a general data communication could not render the claimed invention to be obvious. The explicitly recited elements of the claimed invention is not taught or suggested by Mital’s system of communicated data.

Further, the Examiner has taken Official Notice to allege that claims 1-6, 9, 10 and 14 have been common knowledge in the art prior to Applicants’ filing date. However, such an

invocation of Official Notice is improper, as § 2144.03 of the MPEP recites that “[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Therefore, one of ordinary skill in the art would not have been lead to the claimed invention as recited by claim 1, given the teaching of Mital. At least by virtue of the aforementioned differences, Applicants’ claim 1 distinguishes over Mital. Claims 2-6, 9, 10 and 14 are dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Mital. Therefore, claims 2-6, 9, 10 and 14 are distinguished over Mital for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

With further regard to claim 2, Applicants’ claimed invention relates to the electronic audit system as recited by claim 1, further comprising a maintenance management device, a configuration transmission device, an identification information transmission device, an audit sequence determination device, an access device, an audit device, a display device and a judgement device.

Examiner has failed to particularly point out where these claimed elements are taught or suggested in Mital.

Applicants respectfully submit that the disclosure of Mital does not teach or suggest the claimed invention. Specifically, Mital does not teach or suggest any of: a maintenance

management device for maintaining and managing the electronic test object system; a configuration transmission device for transmitting configuration information of the electronic test object system to the auditor; an identification information transmission device for transmitting an ID and a password to the auditor; an audit sequence determination device for determining an audit sequence and creating a sequence chart showing the audit sequence; an access device for accessing the electronic test object system using an ID and a password received via the identification information transmission device; an audit device for auditing the electronic test object system accessed via the access device in accordance with the sequence chart and recording results; a display device for displaying audit results obtained by audit with the audit device; and a judgment device for judging quality of audit results based on the audit results displayed by the display device, as recited in claim 2.

At least by virtue of the aforementioned differences, Applicants' claim 2 distinguishes over Mital. Applicants' claims 3-6 are dependent claims including all of the elements of independent claim 2, which, as established above, distinguishes over Mital. Therefore, claims 3-6 are patentable over Mital for at least the aforementioned reasons as well as for their additionally recited features.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/837,487
Attorney docket no. Q64156

Art unit No. 3627

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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